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REPORT
No. 763

DR. FRANCIS S. N. KWOK

SEPTEMBER 17 (legislative day, SEPTEMBER 13), 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1541]

The Committee on the Judiciary, to which was referred the bill (S. 1541) for the relief of Dr. Francis S. N. Kwok, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Dr. Francis S. N. Kwok. The bill provides for an appropriate quota deduction and for the payment of the required visa fee and head tax.

STATEMENT OF FACTS

The beneficiary of the bill was born in 1916 in the Fiji Islands. He is a subject of Great Britain of the Chinese race, who last entered the United States as a student on May 16, 1947. He received his medical training in Shanghai and came to the United States for post-graduate studies in otolaryngology. He is presently engaged in research work in otolaryngology and part time teaching in the New York University postgraduate medical school.

A letter dated September 19, 1950 to the chairman of the Senate Committee on the Judiciary from the Acting Deputy Attorney

General with reference to S. 3563, which was a bill introduced in the Eighty-first Congress for the relief of the same alien, reads as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, September 19, 1950.

HON. PAT MCCARRAN,

*Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.*

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 3563) for the relief of Dr. Francis S. N. Kwok.

The bill would provide that Dr. Francis S. N. Kwok, also known as Dr. Chew Nam Young, shall be considered to have been lawfully admitted into the United States for permanent residence as of the date of his last entry upon payment of the required head tax and visa fee. It would also direct the Secretary of State to instruct the quota-control officer to deduct one number from the nonpreference category of the appropriate immigration quota.

The files of the Immigration and Naturalization Service of this Department disclose that Dr. Kwok was born on December 15, 1916, in Suva, Fiji Islands of the Chinese race and that he is a subject of Great Britain. Coming from Hong Kong, China, he last entered the United States at the port of San Francisco, Calif., on May 16, 1947, when he was admitted under section 4 (e) of the Immigration Act of 1924, as a student for 1 year, destined to the Mayo Clinic of the University of Minnesota. The clinic was unable to accept Dr. Kwok as a fellow in otolaryngology but they permitted him to enter for a short time as a visitor. Dr. Kwok advised the Immigration and Naturalization Service that since his arrival he had been devoting his time observing the work and progress made in otolaryngology in various leading hospitals until he became an intern in the department of oto-rhino-laryngology, Bellevue Hospital, New York, in September 1948. Accordingly, his immigration status was changed on April 21, 1949, from a student under section 4 (e) of the Immigration Act of 1924, to that of a temporary visitor under section 3 (2) of that act, until October 21, 1949, upon the posting of a \$500 bond. Subsequently, his temporary stay was extended until April 21, 1951.

On November 28, 1949, Dr. Kwok submitted an application for adjustment of his immigration status pursuant to the provisions of the Displaced Persons Act of 1948. At the hearing accorded him he admitted that he would not suffer persecution were he to return either to Hong Kong, the place of his last residence, or to the Fiji Islands, the land of his nationality. His British passport, issued in Hong Kong on November 4, 1946, is valid until November 3, 1951. Dr. Kwok stated that he knew of no reason which would prevent his return to Hong Kong, China, or any other part of the British Empire, if he had a good reason to go there. The application for relief under the Displaced Persons Act was, accordingly, denied since he failed to adduce evidence to support his eligibility thereunder. The alien filed an appeal, which appeal is presently being processed.

On June 26, 1950, the Immigration and Naturalization Service denied the request of the adviser to foreign students of New York University to have Dr. Kwok's status changed so that he would be included under section 201 of the United States Information and Educational Exchange Act of 1948 (Public Law 402, 80th Cong.). The Assistant Commissioner pointed out that one of the provisions for admission under such section is that the alien seeking admission thereunder must show willingness to depart from the United States upon the termination of his training. Dr. Kwok has expressed a desire to remain permanently in the United States and has taken steps to effect his admission for permanent residence, thus inferentially abandoning the will to depart from the United States upon the termination of his training.

The Chinese racial quota, to which Dr. Kwok is chargeable, is oversubscribed for many years and an immigration quota is not readily available. The record in his case fails, however, to present sufficient justification to enact special legislation exempting him from the quota requirements of the immigration laws. It is the view of this Department that he should comply with the terms under which he was admitted and depart from the United States. To grant him special treatment by the enactment of this measure would be granting a preference over other aliens of his nationality, many of them Chinese alien children of United

States citizens, who also desire to come to this country for permanent residence, but who, nevertheless, remain abroad in compliance with our immigration laws for the issuance of quota immigration visas.

Accordingly, the Department of Justice is unable to recommend enactment of this bill.

Yours sincerely,

PETER CAMPBELL BROWN,
Acting Deputy Attorney General.

Senator Edward Martin, the author of the bill, has submitted the following information in support of the bill:

BELLEVUE HOSPITAL,
New York, August 2, 1951.

Hon. PAT McCARRAN,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR McCARRAN: Mr. George I. Bloom, assistant to Senator Edward Martin, has notified me about your request for further information on me before action can be taken on bill S. 1541, introduced by Senator Edward Martin for my relief on May 24, 1951.

My sponsors, members of the medical profession connected with Bellevue Hospital and who are familiar with my case, are sending you the necessary information.

In addition, I am submitting the following statement concerning my inability to return to the country of my last residence abroad and to the place of my birth.

I am unable to return to the places where I last resided for any period of time, namely Shanghai and Chungshan, China, to which places it was my intention of entering into the practice of medicine by reason of the following fact:

China is now in control of the Communists and my political opinions in full are diametrically opposed to communism. I have frequently expressed my views on the subject of communism, particularly in reference to China, to many persons of Chinese origin and other persons in this country. I have been informed that persons in China who have dared to express any opinion opposing the communistic regime have been persecuted, and in many instances, assassinated. During my present stay in the United States, I have witnessed the many and great benefits afforded the American people. It is my earnest desire to believe, and be permitted to believe, in the principles as outlined in the Constitution of the United States. If however, I return to where I had planned to practice my profession, namely, medicine, my beliefs and freedom of political opinion would be suppressed by the Communists.

I am unable to return to the place of my birth, namely, Fiji Islands, to practice my profession for the following reasons:

I was born in Suva, Fiji Islands, of Chinese parentage, on December 15, 1916. In 1928, at the age of 12, I left the Fiji Islands with my family for China. From 1928 to April 1947 I resided alternately in Chungshan and Shanghai, China. I had never left China for any other country until April 1947 when I embarked at Hong Kong on the Steamship *General W. H. Gordon* for the United States. I arrived at San Francisco on May 16, 1947, as a student under paragraph e, section 4, Immigration Act of 1924. Since then I have remained in the United States, devoting all my time to postgraduate studies in the field of otolaryngology including 2 years as a resident in Bellevue Hospital and 1 year as a student in postgraduate otolaryngology in the New York University Postgraduate Medical School. I was recently appointed a research fellow in this specialty by the New York University for the year 1951-52.

I have absolutely no ties in the Fiji Islands, the place of my birth, economic or by relation. Furthermore, the lack of a real need for a specialist in my line in the Fiji Islands would render my future gloomy, so far as the practice of my profession is concerned, and for all practical purposes would only result in a complete waste of the knowledge and training I have been so fortunate to obtain in the United States since my arrival here in May 1947.

There is a shortage of doctors in the United States. The New York papers of July 30, 1951, carried a press release quoting General Marshall to the effect that the shortage of competent general and specializing physicians is daily growing more acute in the United States and proposing that additional scholarships and inducements can be offered for persons desiring to study medicine, or specialists in medicine. I honestly believe that my training, obtained both in China and

in this country, in the specialized field of otolaryngology, enables me to make a definite contribution to the health of the people of this country. If permitted to remain here I most certainly will do my utmost in contributing to the medical profession and the improvement of the health of the people of the United States.

Finally, if deported to Hong Kong, as recommended by the interviewing inspector in the New York City Immigration and Naturalization Service, I would be prevented from practicing my profession there; Hong Kong has no reciprocity with China in the medical field.

Senator, I sincerely wish you will give the attention to my case as it deserves.

With deep respect, I remain

Yours very sincerely,

FRANCIS S. N. KWOK, M. D.

Sworn before me this 6th day of August 1951.

[SEAL]

PETER DOBBINS,

Commissioner of Deeds, City of New York.

My commission expires May 1, 1952.

NEW YORK UNIVERSITY POST-GRADUATE MEDICAL SCHOOL,
New York 16, N. Y., July 14, 1951.

Hon. PAT McCARRAN,
Chairman, Senate Judiciary Committee,
Senate Office Building, Washington, D. C.

DEAR SENATOR McCARRAN: It is a pleasure to submit the following information concerning Dr. Francis S. N. Kwok pending action on bill S. 1541.

(1) Dr. Kwok arrived on the steamship *General W. H. Gordon* in San Francisco, Calif., on May 16, 1947, as a student under paragraph e, section 4, Immigration Act of 1924. Dr. Kwok is a British subject by birth, having been born in Suva, Fiji Islands, on December 15, 1916. He left his place of birth in 1928 for China, where he resided until April 1947. He alternately lived in Shanghai and Chungshan, China; he received his medical training in Shanghai. He came to the United States for postgraduate studies in otolaryngology, and has remained in this country since the date of entry mentioned above.

(2) Dr. Kwok is engaged in research work in otolaryngology and part-time teaching in the New York University Post-Graduate Medical School, beginning July 1, 1951, and ending June 30, 1952.

(3) His research fellowship carries with it a compensation of \$2,000 a year. In addition, he receives room and board in Bellevue Hospital, as payment in part for his services.

(4) He has never engaged in any activities, political or otherwise, injurious to the American public interest.

(5) He has never been convicted of any offense under any Federal or State law. To the best of my knowledge and belief, Dr. Kwok would be a good and loyal citizen of the United States. I sincerely believe, having had opportunity to closely observe his work since he has been associated with my department, that Dr. Kwok is a fine and capable physician highly skilled in the field of otolaryngology. This is confirmed by the fact that he has been awarded a research fellowship as set forth above. It is my opinion that if permitted to remain in this country he will definitely make a substantial contribution to the medical science and that the United States can only profit and not lose by permitting a man of Dr. Kwok's character and ability to become a permanent resident. For these reasons it is a pleasure to sponsor him in his petition for residency in this country.

Very sincerely,

JOHN F. DALY, M. D.,
Professor and Chairman Department of Otolaryngology.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1541) should be enacted.

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